

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1713C

1 WHEREAS, Madonna Rehabilitation Hospital has submitted an applica-
2 tion designated as Special Permit No. 1713C for authority to amend the Aspen 3rd
3 Addition Community Unit Plan to permit 67 dwelling units, with a request to waive the
4 preliminary plat process, on property located at South 56th Street and Pine Lake Road,
5 and legally described as:

6 Lots 2-6, Block 1, Lots 1-19, Block 2, Lots 1-12 and a portion
7 of Outlot E, Block 4, all in Aspen 5th Addition; Lots 1, 2, 4, 6,
8 7, 8, Block 1, Lots 1-3, Block 2, Lots 2-4, 8 and 9, Block 3,
9 all in Aspen 6th Addition; Lots 1-3, Aspen 7th Addition; Lots
10 2 and 3, Aspen 9th Addition; Lots 1 and 2, Aspen 12th
11 Addition; and a portion of the vacated right-of-way of Allen
12 Road, all located in the North Half of the Northeast Quarter
13 of Section 20, Township 9 North, Range 7 East of the 6th
14 P.M., Lincoln, Lancaster County, Nebraska, more
15 particularly described as follows:

16 Commencing at the northeast corner of said Section 20, and
17 extending thence south 89 degrees 43 minutes 49 seconds
18 west on the north line of said Section 20, for a distance of
19 631.50 feet; thence south 00 degrees 16 minutes 11
20 seconds east, a distance of 626.19 feet to the point of
21 beginning; thence continuing south 00 degrees 16 minutes
22 11 seconds east, for a distance of 206.13 feet along the
23 west line of Stephanie Lane; thence south 89 degrees 53
24 minutes 36 seconds west, a distance of 45.86 feet; thence
25 on a curve to the left having a radius of 348.00 feet and an
26 arc length of 547.76 feet, being subtended by a chord of
27 south 44 degrees 47 minutes 28 seconds west, for a
28 distance of 492.94 feet to the point of tangency of said
29 curve; thence south 00 degrees 18 minutes 04 seconds
30 east, a distance of 63.87 feet; thence south 02 degrees 35
31 minutes 31 seconds east, a distance of 75.05 feet to the
32 south line of the North Half of said Northeast Quarter;

1 thence south 89 degrees 42 minutes 18 seconds west on
2 said line, a distance of 1623.32 feet; thence north 00
3 degrees 04 minutes 25 seconds east, a distance of 377.84
4 feet; thence north 89 degrees 43 minutes 49 seconds east,
5 a distance of 113.87 feet; thence south 00 degrees 16
6 minutes 18 seconds east, a distance of 19.81 feet; thence
7 north 89 degrees 53 minutes 06 seconds east, a distance of
8 72.00 feet; thence north 00 degrees 16 minutes 11 seconds
9 west, a distance of 27.00 feet; thence north 89 degrees 43
10 minutes 49 seconds east, a distance of 110.17 feet; thence
11 north 00 degrees 16 minutes 11 seconds west, a distance of
12 207.22 feet; thence north 18 degrees 39 minutes 17
13 seconds east, a distance of 189.26 feet; thence south 71
14 degrees 19 minutes 56 seconds east, a distance of 249.84
15 feet; thence south 43 degrees 40 minutes 07 seconds east,
16 a distance of 335.94 feet; thence south 30 degrees 16
17 minutes 11 seconds east, a distance of 135.00 feet; thence
18 north 59 degrees 43 minutes 49 seconds east, a distance of
19 110.00 feet; thence north 66 degrees 47 minutes 56
20 seconds east, a distance of 60.46 feet; thence north 30
21 degrees 16 minutes 11 seconds west, a distance of 20.00
22 feet; thence north 59 degrees 43 minutes 49 seconds east,
23 a distance of 120.00 feet; thence north 30 degrees 16
24 minutes 11 seconds west, a distance of 85.00 feet; thence
25 north 59 degrees 43 minutes 49 seconds east, a distance of
26 240.44 feet; to the point of curvature of a circular curve to
27 the right having a radius of 212.58 feet and an arc length of
28 111.31 feet, being subtended by a chord of north 74 degrees
29 43 minutes 49 seconds east, for a distance of 110.04 feet to
30 the point of tangency of said curve; thence north 89 degrees
31 43 minutes 49 seconds east, a distance of 75.38 feet; to a
32 point of curvature of a circular curve to the left having a
33 radius of 66.00 feet and an arc length of 15.93 feet, being
34 subtended by a chord of north 19 degrees 40 minutes 05
35 seconds east, for a distance of 15.89 feet; to a point of
36 curvature of a circular curve to the right having a radius of
37 30.00 feet and an arc length of 29.32 feet, being subtended
38 by a chord of north 87 degrees 52 minutes 39 seconds east,
39 for a distance of 2.00 feet; to a point of curvature of a
40 circular curve to the right having a radius of 285.00 feet and
41 an arc length of 88.05 feet, being subtended by a chord of
42 south 81 degrees 21 minutes 27 seconds east, for a
43 distance of 87.70 feet; thence on a curve to the left having a
44 radius of 315.00 feet and an arc length of 97.66 feet,
45 subtended by a chord of south 81 degrees 23 minutes 17

seconds east, for a distance of 97.27 feet; thence north 89 degrees 43 minutes 49 seconds east, a distance of 338.75 feet; to a point of curvature to the left having a radius of 20.00 feet and an arc length of 0.50 feet, being subtended by a chord of south 89 degrees 33 minutes 12 seconds east, for a distance of 0.50 feet to the point of beginning and containing a calculated area of 23.41 acres, more or less;

and

A portion of Outlot A, Aspen 10th Addition located in the North Half of the Northeast Quarter of Section 20, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Section 20, and extending thence south 89 degrees 43 minutes 49 seconds west on the north line of said Section 20, for a distance of 1219.80 feet; thence south 00 degrees 16 minutes 11 seconds east, a distance of 50.00 feet to the point of beginning; thence continuing south 00 degrees 16 minutes 11 seconds east, for a distance of 502.60 feet; thence south 89 degrees 43 minutes 49 seconds west, a distance of 16.55 feet; to the point of curvature of a circular curve to the left having a radius of 272.58 feet and an arc length of 83.57 feet, being subtended by a chord of south 80 degrees 56 minutes 52 seconds west, for a distance of 83.24 feet to the point of tangency of said curve; thence north 17 degrees 50 minutes 04 seconds west, a distance of 82.72 feet; thence north 03 degrees 10 minutes 01 seconds east, a distance of 262.48 feet; thence north 32 degrees 07 minutes 44 seconds west, a distance of 205.37 feet; thence north 89 degrees 43 minutes 49 seconds east, a distance of 216.44 feet to the point of beginning and containing a calculated area of 1.53 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this amended community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
2 Lincoln, Nebraska:

3 That the application of Madonna Rehabilitation Hospital, hereinafter
4 referred to as "Permittee", to amend the Aspen 3rd Addition Community Unit Plan to
5 allow 67 dwelling units, with a request to waive the preliminary plat process, be and the
6 same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65
7 of the Lincoln Municipal Code upon condition that change to the community unit plan be
8 in strict compliance with said application, the site plan, and the following additional
9 express terms, conditions, and requirements:

10 1. This permit approves 67 dwelling units.

11 2. The requirement of Section 26.11.020 of the LMC that the special
12 permit accompany the filing of a preliminary plat and that a preliminary plat be required
13 for all subdivisions is waived, except that this waiver of the preliminary plat shall only be
14 effective for a period of ten years from the date of the this approval, and shall be of no
15 force or effect thereafter. If any final plat on all or a portion of the approved community
16 unit plan is submitted five years or more after the effective date of the community unit
17 plan, the City may require that a new community unit plan be submitted, pursuant to all
18 the provisions of Section 26.31.015. A new community unit plan may be required if the
19 subdivision ordinance, the design standards, or the required improvements have been
20 amended by the city; and as a result, the community unit plan as originally approved
21 does not comply with the amended rules and regulations.

22 3. Before receiving building permits:

23 a. The Permittee must submit an acceptable, revised and
24 reproducible final plan including five copies.

1 b. The construction plans must conform to the approved plans.

2 c. Final plats within the area of this community unit plan must
3 be approved by the City.

4 4. Before occupying the dwelling units, all development and
5 construction must be completed in conformance with the approved plan.

6 5. All privately-owned improvements must be permanently maintained
7 by the Permittee or an appropriately established homeowners association approved by
8 the City Attorney.

9 6. The site plan approved by this permit shall be the basis for all
10 interpretations of setbacks, yards, locations of buildings, location of parking and
11 circulation elements, and similar matters.

12 7. The terms, conditions, and requirements of this resolution shall be
13 binding and obligatory upon the Permittee and the Permittee's successors and assigns.
14 The building official shall report violations to the City Council which may revoke the
15 special permit or take such other action as may be necessary to gain compliance.

16 8. The Permittee shall sign and return the City's letter of acceptance
17 to the City Clerk within 30 days following approval of the special permit, provided,
18 however, said 30-day period may be extended up to six months by administrative
19 amendment. The City Clerk shall file a copy of the resolution approving the special
20 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
21 paid in advance by the Permittee.

22 9. The site plan as approved with this resolution voids and
23 supersedes all previously approved site plans, however, all resolutions approving
24 previous permits remain in force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor